



U.S. DEPARTMENT OF  
**ENERGY**

**WEST VALLEY DEMONSTRATION PROJECT, WEST VALLEY, NEW YORK 14171-9799**

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## **DOE, New York Settle Cost Allocation Cleanup Dispute at West Valley Demonstration Project, Western New York Nuclear Service Center**

**West Valley, NY** – The Department of Energy (DOE) and the New York State Energy Research and Development Authority today announced the settlement of a long-standing disagreement on how costs will be allocated between DOE and the State for the cleanup of the West Valley Demonstration Project (WVDP) and the Western New York Nuclear Service Center.

Under a Consent Decree, that today was lodged with the US District Court for the Western District of New York, the parties have agreed on how costs will be allocated for the cleanup of the western New York facility. The Consent Decree only addresses the division of costs between the Federal government and the State. It does not address the forthcoming cleanup decisions for portions of the site or the site as a whole.

Those cleanup decisions are currently being evaluated in an environmental impact statement pursuant to the National Environmental Policy Act (NEPA) and the State Environmental Quality Review Act (SEQRA). The public comment period for the *Revised Draft Environmental Impact Statement (EIS) for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project & Western New York Nuclear Service Center*, closed on September 8, 2009. A Final EIS and a subsequent Record of Decision are scheduled to be issued in spring 2010.

The issues of cost allocation between the Federal government and the State over various aspects of the site cleanup have been the subject of dispute since DOE was directed by Congress to conduct a demonstration project at the site under the West Valley Demonstration Project Act of 1980. The dispute came to a head in late 2006 when the State filed suit against DOE. The Consent Decree was produced following more than two years of negotiation between the parties.

“After nearly 30 years of struggling with this issue, we are happy to see that all parties were able to put their differences aside and work toward a solution that is best for both the Federal and State taxpayer,” said Bryan Bower, DOE Federal Project Director. “With the cost responsibility issues behind us, we can move forward, hand in hand, with the ongoing cleanup of the site.”

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The agencies have lodged the Consent Decree with the Federal Court, where it will be held while New York State conducts a 30-day public comment period. After the public comment period, the agencies expect to move the Court to approve the Consent Decree and enter it as a binding order of the Court.

Located about 35 miles south of Buffalo, the 3,340 acre Western New York Nuclear Service Center (WNYNSC) was established in 1961 and is owned by the New York State Energy Research and Development Authority (NYSERDA). From 1966 until 1972, Nuclear Fuel Services (NFS) built and operated a commercial spent fuel reprocessing plant and waste disposal facilities on approximately 200 acres of the WNYNSC.

In 1976, NFS withdrew from the reprocessing business and returned control to the site owner, NYSERDA. One of the disposal areas at the site is licensed by the Nuclear Regulator Commission (NRC). The NRC-licensed Disposal Area and the other is licensed by the New York State Department of Health and permitted by the New York State Department of Environmental Conservation, the State-licensed Disposal Area.

The WVDP is a DOE environmental cleanup and waste management project that is conducted in cooperation with the New York State Energy Research and Development Authority. West Valley Environmental Services (WVES) manages and operates the WVDP under contract to DOE. The WVES team is comprised of URS Washington Division, Jacobs Engineering, Environmental Chemical Corporation (ECC), and Parallax.

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